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EXAMINER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/703,394

**Applicant(s)**

SMOLUCHA ET AL.

**Examiner**

MD HATEM H. ALI

**Art Unit**

3692

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 44, 59-63, 79 and 82-89 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 44, 59-63, 79 and 82-89 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: \_\_\_\_\_

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2/17/04, 6/08/05, 6/26/06, 1/25/08.

### DETAILED ACTION

1. The following is an office action in response to restriction / election of claims, received on **1/25/2008**.

#### *Acknowledgement*

2. **Applicant elected**, without traverse, Group **IV** including **claims 1-8, 44, 59-63** and **79** , cancelled **claims 9-43, 45-58, 64-78** and **80-81** (Groups **1, II, III** and **V**) and added new **claims 82-89**.

As such **claims 1-8, 44, 59-63, 79, and 82-89** are **pending**.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-8, 44, 59-63, 79 and 82-85** are rejected under 35 U.S.C. 102(e) as being anticipated by **Kaminkow et al** (2003/0036425).

**As per claim 1, Kaminkwo** discloses that a system comprising:

a plurality of casino games located in a gaming establishment wherein at least some of the games include a reader component adapted to detect a RFID tag in proximity to the reader component and read data from the RFID tag, wherein the RFID tag is carried by an individual in the gaming establishment (see **Fig.1**; via **casino 150** with gaming machines **100-103** and para **0165** and **0170**; via RFID tags carried by person [players] in the Casio establishment); and

an information system including software operable on the system to record information concerning the movement and activities of an individual in a gaming establishment as determined from reading the RFID tag carried by the individual in the gaming establishment (see **Fig.1** and para **0007**, via **casino 150** gaming machines **100-103** are connected via data collection unit [DCU] to the player tracking / accounting server **120** with display **34**, in the hardware and software implemented loyalty reward program, implied and inherent processors having computer readable media).

**As per claim 2, Kaminkow**, discloses that a data transmission system connecting the reader component to the information system and wherein the transmission system comprises physical connectors connecting the information system to the reader components (see **Figs. 9C-D** and **10A-B** and para **0165**, line 11; via RFID reader located on the gaming machine works with RFID system for player tracking program implemented on the gaming machine).

**As per claim 3, Kaminkow** discloses that a data transmission system connecting the reader component to the information system and wherein the

transmission system comprises RF transmission components passing data between the reader components and the information system using radio frequency transmissions (para **0031**; via input mechanism is Radio Frequency [RFID] reader and the RFID system).

**As per claims 4-8, *Kaminkow*** discloses that the reader component is an antenna and a reader unit located outside or in the casino game, receiving input from a plurality of antennas wherein the antennas are located in two or more different casino games (see **Figs. 1, 9C-D and 10A-B** and para **0164-0165**, line 5; via RFID readers **910** may probe simultaneously a plurality of RFID tags carried by players in the casino environment).

**Claims 9 - 43. (Cancelled)**

**As per claim 44, *Kaminkow*** discloses that a system comprising:

a plurality of casino games located in gaming establishment wherein at least some of the games include a reader component that detects a RFID tag in proximity to the reader component (see **Figs.1-4**; via **casino 150** with gaming machines **100-103** and para **0165** and **0170**; via RFID tags carried by person [players] in the Casio establishment);

at least some of the games carrying RFID tags; wherein the reader component receives information from a RFID tag in the gaming establishment (para **0167**, line 1; via information read from RFID tags carried by a gaming device , such as gaming machine that has access to the read information); and

an information system including software operable on the system to record information concerning the location of a game in a gaming establishment as determined from reading a RFID tag carried by one of the casino games (para **0037-0039** via the gaming system, the locating server and computer program products including machine-readable medium for stored program instructions for implementing any method and also para **0007**, line 3; via hardware and software implemented loyalty reward program).

**Claims 45. - 58. (Cancelled)**

**As per claim 59, Kaminkow** discloses that a system comprising:

a plurality of casino games located in a gaming establishment having one or more reader components positioned therein, wherein the reader components are adapted to detect a RFID tag in proximity to the reader component and read data from the RFID tag, wherein the RFID tag is carried by an individual in the gaming establishment (see **Fig.1**; via **casino 150** with gaming machines **100-103** and para **0165** and **0170**; via RFID tags carried by person [players] in the Casio establishment); and

an information system including software operable on the system to record information concerning the movement and activities of an individual in a gaming establishment as determined from reading the RFID tag carried by the individual in the gaming establishment (see **Fig.1** and para **0007**, via **casino 150** gaming machines **100-103** are connected via data collection unit (DCU) to the player tracking / accounting server **120** with display **34**, in the hardware and software implemented

loyalty reward program) implied and inherent processors having computer readable media).

**Claims 60-63** are rejected as per the reasons set forth in claims **4-6** and **8** respectively.

**Claims 64 - 78. (Cancelled)**

**As per claim 79, *Kaminkow*** discloses that a system comprising:

a plurality of casino games located in gaming establishment wherein the establishment includes a plurality of reader components that detect a RFID tag in proximity to the reader component (see **Fig.1**; via **casino 150** with gaming machines **100-103** and para **0165** and **0170**; via RFID tags carried by person [players] in the Casio establishment);

at least some of the games carrying RFID tags ; wherein the reader component receives information from a RFID tag in the gaming establishment (para **0167**, line 1; via information read from RFID tags carried by a gaming device , such as gaming machine that has access to the read information); and

an information system including software operable on the system to record information concerning the location of a game in a gaming establishment as determined from reading a RFID tag carried by one of the casino games. (para **0037-0039** via the gaming system , the locating server and computer program products including machine-readable medium for stored program instructions for implementing any method and also para **0007**, line 3; via hardware and software implemented loyalty reward program).



**Claims 80. - 81. (Cancelled)**

**As per claim 82, *Kaminkow* discloses that a method comprising:**

detecting an RFID tag in proximity to a reader component of a plurality of reader components in a gaming establishment having a plurality of casino games therein, wherein the RFID tag is carried by an individual in the gaming establishment (see **Fig.1**; via **casino 150** with gaming machines **100-103** and para **0165** and **0170**; via RFID tags carried by person [players] in the Casio establishment);

reading data from the RFID tag (para **0164**; via reader/programmer **910** is to provide means of communicating with the tags and facilitating data transfer), and

recording information concerning the movement or activities of the individual in the gaming establishment as determined from reading the RFID tag carried by the individual in the gaming establishment (para **0164**; via reader/programmer **910** is to provide means of communicating with the tags and facilitating data transfer implied recording information/movement of person/players), .

**As per claim 83, *Kaminkow* discloses that the step of recording information concerning the movement or activities of the individual includes recording the individual's game playing history by determining the proximity to a casino game of the RFID tag carried by the individual (para **0170**, lines 15-18; via the players [persons] to be in a location within the range of the RFID reader, RFID tags persons carrying to be read, implied player's information).**

**As per claim 84, *Kaminkow*** discloses that the step of further comprising detecting an RFID tag in proximity to a casino game whether or not the individual plays the casino game (para **0170**, lines 1-5; via person carrying RFID tags without active participation).

**As per claim 85, *kaminkow*** discloses that the RFID tag is mounted in a token or card an individual uses in connection with playing a casino game. (See **Figs. 9C, 10A-10B** and para **0156**, lines 1-8; via RFID tag **906** may be embedded in a media, such as paper or plastic i.e. credit card size plastic substrate or printable label with adhesive backing)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 86-89** is rejected under 35 U.S.C. 103 (a) as being unpatentable over *Kaminkow* in views of ***Bradford*** et al (6,709,333).

**As per claim 86, *Kaminkow*** discloses that a computer-readable medium having computer executable instructions for causing one or more processors to perform a method (see **Fig.1** and para **0007**, via **casino 150** gaming machines **100-103** are connected via data collection unit (DCU) to the player tracking / accounting server **120** with display **34**, in the hardware and software implemented loyalty reward program)

implied and inherent processors having computer readable media), the method comprising:

detecting an RFID tag in proximity to a reader component of a plurality of reader components in a gaming establishment having a plurality of casino games therein, wherein the RFID tag is carried by an individual in the gaming establishment (see **Fig.1**; via **casino 150** with gaming machine **100-103** and para **0165** and **0170**; via RFID tags carried by person [players] in the Casio establishment);

reading data from the RFID tag (para **0164**; via reader/programmer **910** is to provide means of communicating with the tags and facilitating data transfer); and

recording information concerning the movement or activities of the individual in the gaming establishment as determined from reading the RFID tag carried by the individual in the gaming establishment (para **0164**; via reader/programmer **910** is to provide means of communicating with the tags and facilitating data transfer implied recording information/movement of person/players).

**Kaminkow** fails explicitly to disclose that a computer-readable medium having computer executable instructions for causing one or more processors to perform a method.

However, **Bradford** being in the same field of invention discloses that a computer-readable medium having computer executable instructions for causing one or more processors to perform a method (see **col.8**, line 7; via Game device **100** for functioning game, having central processor, associated memory, input/output interfaces,

peripheral interfaces to the video display, SMBH together with the firmware and software needed to implement the full functionality of the game).

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the disclosed features of **Kaminkow** as mentioned and to include the disclosure of **Bradford** to facilitate electronically [computer executable] proper functioning of the casino games in gaming environment).

**Claims 87-89** are rejected as per the reasons set forth in the **claims 83-85** respectively.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Luciano** et al (2002/0111210) disc loses Anonymous Player Identification in a Gaming Environment.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MD HATEM H. ALI whose telephone number is (571)270-3021. The examiner can normally be reached on 8.00 to 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3692

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA

Mohamed H Ali  
Examiner  
Art Unit 3692

/Harish T Dass/  
Primary Examiner, Art Unit 3692